

Article 2

Administration



Article Two: Administration		Page #
2.1	General Administration	2-2
2.2	Legislative Body Duties & Powers	2-5
2.3	Plan Commission Duties & Powers	2-6
2.4	Boards of Zoning Appeals	2-8

2.1 General Administration

- A. **Administrative Officers:** The Columbus - Bartholomew Planning Director and the Columbus - Bartholomew Chief Code Enforcement Officer (including any staff members or other designee(s) of either), will have the principal responsibility for the administration and enforcement of this Ordinance. Together their duties shall include, but not be limited to:
1. Improvement Location Permits: Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
 2. Inspections: Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by a Plan Commission, Plat Committee, Board of Zoning Appeals, the Board of County Commissioners, the Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code;
 3. Record Keeping: Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, conditional uses, variances, and appeals;
 4. Plan Commission Applications: Receiving, processing, docketing, and referring to the appropriate Plan Commission all appropriate applications;
 5. Board of Zoning Appeals Applications: Receiving, processing, docketing, and referring to the appropriate Board of Zoning Appeals all appeals, variances, conditional uses, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code;
 6. Committee Applications: Receiving, processing, docketing, and referring to the appropriate Plat Committee and/or Development Review Committee all appropriate applications;
 7. Clerical & Technical Assistance: Providing all such clerical and technical assistance as may be required by the Boards of Zoning Appeals, Plan Commissions, Plat Committees, Development Review Committees, Board of County Commissioners, Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

Ordinance Administration Summary (Table 2.1)

Application Type	Review and Decision Authority			
	Staff	Plan Commission	Board of Zoning Appeals	Legislative Body
Zoning Map Amendment (Re-zoning)	Review	Review		Final Decision
Zoning Text Amendment	Review	Review		Final Decision
Annexation (to the City of Columbus)	Review	Review		Final Decision
PUD Preliminary Plan	Review	Review		Final Decision
PUD Final Plan	Review	Review		Final Decision
PUD Minor Modification	Final Decision	Consider Appeal		
Site Plan	Final Decision		Consider Appeal	
Site Development Plan	Review	Final Decision		
Use Variance	Review		Final Decision	
Development Standards Variance	Review		Final Decision	
Conditional Use	Review		Final Decision	
Interpretation	Final Decision		Consider Appeal	

***Note:** The table above summarizes the review, decision making, and appeal powers and duties as they relate to various Zoning Ordinance related applications. The specific steps and requirements for each of these process is defined in more detail by subsequent Articles of this Ordinance.*

2.1 General Administration (cont.)

- B. **Fee Schedule:** The Planning Director shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance (with the exception of those related to the duties of the Chief Code Enforcement Officer, which he/she shall maintain separately).
1. Fee Basis: All fees shall be intended to reimburse the City and/or County for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.
 2. Public Access: The fee schedule shall be made available to the public by the Planning Director.
 3. Establishment and Revisions: The fee schedule shall be prepared by the Planning Director and established by the Columbus Common Council. The Planning Director shall review the fee schedule annually and bring any necessary revisions to the attention of the Council.
 4. Payment Required: No action shall be taken on any application until all applicable fees have been paid in full.
 5. Fines for Failing to Obtain a Permit: Any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit may be required to pay up to 2 times the amount of the normal permit fee listed on the fee schedule as a fine for such activity (in addition to the established fee).
- C. **Schedule of Meeting and Filing Dates:** The Planning Director shall maintain annual Calendars of Meeting and Filing Dates for each Plat Committee, Development Review Committee, Plan Commission, Board of Zoning Appeals, and BZA Hearing Officer. These calendars shall not be interpreted as prohibiting special meetings.
1. Coordination of Calenders: The calendars shall be coordinated to ensure the efficient processing of applications.
 2. Conformance with Indiana Code: All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.

2.2 Legislative Body Duties & Powers

The powers and duties of the Bartholomew County Board of Commissioners and the Columbus Common Council for each jurisdiction with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter.

- A. **Duties:** Duties should be interpreted as activities that are obligations. Legislative body duties include:
1. Plans and Ordinances: Adopt, reject, or amend the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
 2. Plan and Ordinance Amendments: Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
 3. Zoning Map Amendments: Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
 4. Planned Unit Developments: Adopt, reject, or amend proposals for Planned Unit Developments as certified and submitted by the Plan Commission;
 5. Other Duties: All additional duties as established by Indiana State Code.
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Board of County Commissioners or Columbus Common Council for each's jurisdiction. These powers include:
1. Plan and Ordinance Amendments: Initiate amendments to the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and/or the Subdivision Control Ordinance;
 2. Zoning Map Amendments: Initiate amendments to the Official Zoning Map; and
 3. Other Powers: All additional powers as permitted by Indiana State Code.

Delegation Note: *In no instance shall this Chapter be interpreted as preventing or prohibiting the delegation of duties to administrative or other personnel.*

Street Renaming Note: *Consistent with IC 36-7-4-405(b)(3) this Ordinance provides the Plan Commission the authority to approve names for new streets and extensions of existing streets. The executive of each jurisdiction retains the authority to rename existing streets.*

2.3 Plan Commission Duties & Powers

The powers and duties of the Bartholomew County and Columbus Plan Commissions for each jurisdiction with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. These powers and duties are further described by the Plan Commission Rules and Procedures.

A. **Duties:** Duties should be interpreted as activities that are obligations. Plan Commission duties include:

1. **Rules:** Supervise and make rules for the administration of the affairs of the Commission (IC 36-7-4-401(a)(1));
2. **Procedures:** Prescribe uniform rules pertaining to investigations and hearings (IC 36-7-4-401(a)(2));
3. **Record Keeping:** Maintain a complete record of all proceedings (IC 36-7-4-401(a)(3));
4. **Meeting Time and Records:** Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Commission (IC 36-7-4-306);
5. **Certification:** Adopt a seal and certify all official acts (IC 36-7-4-401(a)(6) and (7));
6. **Recommendations:** Make recommendations to the appropriate legislative body concerning the adoption and amendment of the Comprehensive Plan, the Zoning Ordinance (including the zoning map), the Subdivision Control Ordinance, and Planned Unit Development district ordinances (IC 36-7-4-405(a)(1));
7. **Decisions:** Approve or deny plats, re-plats, and amendments to plats consistent with the IC 36-7-4-700 series (IC 36-7-4-405(b)(2));
8. **Surety:** Record and file all sureties and contracts and assume responsibility for the custody and preservation of all Commission documents and papers (IC 36-7-5-401(a)(4));
9. **Publications:** Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by the Indiana Code (IC 36-7-4-401(a)(5));
10. **Fiscal Supervision:** Supervise the fiscal affairs of the Commission (IC 36-7-4-401(b)(1));
11. **Budgeting:** Prepare and submit an annual budget to the appropriate fiscal body, and be limited in all expenditures to the provisions made for those expenditures by that body (IC 36-7-4-401(b)(2));
12. **Employees:** Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the appropriate fiscal body (IC 36-7-4-402(a));
13. **Street Names and Addresses:** Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments (IC 36-7-4-405(b)(1), (2), and (3));

2.3 Plan Commission Duties & Powers (cont.)

14. Board of Zoning Appeals Facilities: Provide suitable facilities for the holding of BZA hearings and for the preserving of records, documents, and accounts (IC 36-7-4-914);
 15. Hearing Officer: Appoint a Board of Zoning Appeals hearing officer (IC 36-7-4-923); and
 16. Other Duties: All additional duties as established by Indiana State Code.
- B. **Powers**: Powers should be interpreted as activities that are optional and may be initiated by each Commission. Plan Commission powers include:
1. Advisory Committees: Establish advisory committees as necessary, composed of specific members and organized for specific purposes (IC 36-7-4-407);
 2. Executive Committee: Establish an executive committee (IC 36-7-4-408);
 3. Funding Assistance: Seek funding assistance through grant programs as necessary (IC 36-7-4-409) and accept gifts, donations, and grants (IC 36-7-4-310);
 4. Fee Schedule: Establish a schedule of fees to defray the administrative costs of the official actions of the Commission (IC 36-7-4-411);
 5. Secretary: Appoint and fix the duties of a secretary (IC 36-7-4-304);
 6. Professional Services: Contract for special or temporary services and any professional counsel (IC 36-7-4-311); and
 7. Other Powers: All additional powers as permitted by Indiana State Code.
- C. **Zoning Ordinance Review**: Each Plan Commission should review this Ordinance on a regular basis (generally every calendar year) to assess its effectiveness and application to current development trends. The intent of the review is to identify and correct any unintended consequences, unforeseen hardships, ineffective requirements, and any accidental errors or omissions.

See Also:

*Board of Zoning Appeals
Rules & Procedures*

*Section 1.2(B),
Jurisdiction*

*Chapter 12.2,
Notice of Public Hearing*

*IC 36-7-4-900 series
(Board of Zoning Appeals)*

2.4 Boards of Zoning Appeals

- A. **Establishment and Membership:** Pursuant to the IC 36-7-4-900 series, each legislative body establishes an Advisory Board of Zoning Appeals for its jurisdiction which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.
- B. **Powers and Duties:** The powers and duties of a Board of Zoning Appeals with regard to this Ordinance are defined by Indiana Code, and are described in this Chapter. These powers and duties are further described by Board of Zoning Appeals Rules and Procedures.
1. **Duties:** Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;
 - a. *Meeting Time:* Fix a reasonable time for the hearing of administrative appeals, conditional uses, and variances (IC 36-7-4-920);
 - b. *Minutes:* Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board, and make written findings of fact in all cases (IC 36-7-4-915);
 - c. *Rules and Procedures:* Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards (IC 36-7-4-916(a));
 - d. *Publications:* Make adopted rules available to all applicants and other interested persons (IC 36-7-4-916(c));
 - e. *Variances:* Review, hear, and approve or deny all applications for variances from development standards (such as height, setback, or area) and variances of use (IC 36-7-4-918.4 and 36-7-4-918.5);
 - f. *Conditional Uses:* Review, hear and approve or deny all applications for conditional uses (IC 36-7-4-918.2);
 - g. *Appeals:* Review, hear, and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Planning Director or other Plan Commission staff, committees, administrative boards, or any other bodies (except the Plan Commission) (IC 36-7-4-918.1); and
 - h. *Other Duties:* All additional duties as established by Indiana State Code.
 2. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Board. Board of Zoning Appeals powers include;
 - a. *Secretary:* Appoint a secretary and other employees as necessary (IC 36-7-4-913);
 - b. *Conditional Approvals:* Make reasonable conditions as part of the approval of any use variance or conditional use (IC 36-7-4-918.2 and 36-7-4-918.4);
 - c. *Other Powers:* All additional powers as permitted by Indiana State Code.

2.4 Boards of Zoning Appeals (cont.)



- C. **Improvement Location Permit Required:** If a Board grants a conditional use or variance, it shall direct the applicant to apply for an Improvement Location Permit, if required. If such application complies with all established requirements and this Ordinance, an Improvement Location Permit for the execution of the approved variance or conditional use shall be issued.
- D. **Expiration of Approvals:** A conditional use or variance ceases to be authorized and is expired consistent with the provisions of IC 36-7-4-1109 if the execution of the approval has not been completed.
- E. **Termination:** A variance or conditional use may be terminated by a Board of Zoning Appeals under the following procedure:
 - 1. Public Hearing: Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Planning Director shall notify the applicant of the hearing via Certified Mail a minimum of 10 days prior to the hearing.
 - 2. Grounds for Termination: At the public hearing the variance or conditional use shall be revoked if a finding is made by the Board that one or more of the following is true:
 - a. The execution of the approval is not consistent with a requirement of this Ordinance,
 - b. The execution of the approval is not consistent with any condition of approval,
 - c. The execution of the approval is not consistent with any written commitment,
 - d. The approval was the result of fraud or the misrepresentation of facts.
 - 3. Time Limitation: No conditional use or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any 1 year period.